

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

COLUMBIA GAS TRANSMISSION CORP.,)	CASE NO:	1:06-cv-2989
)		
Plaintiff,)	JUDGE KATHLEEN M. O'MALLEY	
)		
vs.)	MAGISTRATE JUDGE	
)	NANCY A. VECCHIARELLI	
ROCKWELL ENTERPRISES, INC., et al.,)		
)	<u>ORDER</u>	
Defendant.)		

On July 2, 2007, Third-Party Defendant, Village of Westfield Center (“Westfield Center”) filed a motion to compel discovery of certain settlement agreements previously entered into by Plaintiff. (Doc. No. 43.) In a response filed July 9, 2007, Plaintiff asserts that one such settlement agreement exists and that Plaintiff offered to produce that agreement to Westfield Center provided that Westfield Center enter into a protective order guarding further dissemination of the settlement agreement. (Doc. No. 49.) Plaintiff asserts that Westfield Center rejected that offer and requests a protective order that would prohibit further dissemination of the terms of the settlement agreement.

Both Westfield Center's motion to compel (Doc. No. 43) and Plaintiff's request for a protective order (Doc. No. 49) are **GRANTED**. Plaintiff is ordered to produce information pertaining to *all* formal or informal agreements whereby Plaintiff allowed concrete to be installed or remain over its gas transmission lines no later than July 31, 2007. Plaintiff shall fully respond to the following discovery requests of Westfield Center:

Interrogatory No. 18: Has Plaintiff or its predecessors ever entered into a formal or informal agreement allowing concrete to be installed or remain over one of its gas transmission lines? If your answer is yes, identify:

- a. the location;
- b. date of agreement;
- c. servient property owner; and
- d. person at Columbia Gas most knowledgeable about the circumstances of the agreement.

Request for Production of Documents No. 12: If your answer to preceeding Interrogatory No. 18 is yes, produce all documents relevant to the agreement and the circumstances under which it was reached.

(See Doc. No. 43-2, Ex. A.)

Further, the parties shall jointly file a stipulated protective order no later than July 25, 2007. In the event that the parties cannot agree to all of the terms in a stipulated protective order, a proposed joint order containing the agreed terms shall be submitted and each party shall contemporaneously submit its proposed terms as to the disputed provisions of the proposed order.

IT IS SO ORDERED.

s/ Nancy A. Vecchiarelli
NANCY A. VECCHIARELLI
U.S. MAGISTRATE JUDGE

DATE: July 18, 2007